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August 31, 2020

VIA ECF

The Hon. John R. Tunheim
Chief Judge, United States District Court
District of Minnesota
300 S. Fourth Street
Minneapolis, MN 55415

Re: State of Minnesota, By Its Attorney General, v. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend

Case No. 20-cv-1636

Dear Chief Judge Tunheim:

We write on behalf of Exxon Mobil Corporation and ExxonMobil Oil Corporation (together, “ExxonMobil”) and American Petroleum Institute (“API”) to request that the Court correct what appears to be an inadvertent typographical error in its August 26, 2020 Order (Dkt. No. 31).

In the Order’s third paragraph (beginning, “The deadlines for Rule 26(a) disclosures . . .”), the Court identified deadlines that have been suspended pending determination of Plaintiff’s remand motion, but omitted Rule 12 motions from the list of suspended deadlines. As stated in the parties’ Joint Motion (Dkt. No. 26), Plaintiff, ExxonMobil and API also agreed to suspend Rule 12 motion practice until after determination of Plaintiff’s remand motion:

Plaintiff, ExxonMobil, and API agree to defer Rule 12 motion practice until after the Court rules on Plaintiff’s motion to remand. In doing so, ExxonMobil and API do not waive any rights, defenses or objections, including the defenses set forth in Fed. R. Civ. P. 12.

(Dkt. No. 26 at ¶15).

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We request that the Order be amended to expressly include Rule 12 motion practice as among the suspended deadlines to remove any potential ambiguity in the Order.

Respectfully submitted,

Dated: August 31, 2020

/s/ Jerry W. Blackwell
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cc: All Counsel of Record via ECF